

REMARKS

Re-examination and reconsideration of the subject matter identified in caption, pursuant to and consistent with 37 C.F.R. §1.116, and in light of the remarks which follow, are respectfully requested.

Claims 1, 2 and 4-8 remain pending in this application.

Claims 1, 2 and 4-8 stand finally rejected under 35 U.S.C. §103(a) as unpatentable over U.S. Patent No. 5,824,973 to Haines et al. in view of U.S. Patent No. 6,182,787 to Kraft et al. for the reasons set forth in paragraphs (3) and (4) of the Office Action. Reconsideration of this rejection is requested for at least the reasons which follow.

The essence of the Examiner's position is that if one of ordinary skill in the art replaced the porous substrate in the laminate of Haines et al. with the core disclosed in Kraft et al., the resultant laminate would have a total air flow resistance within the range of 900 to 1300 MKS Rayls. Respectfully, Applicant disagrees with this position.

Initially, Applicant notes that the problem faced by the inventors in the Haines et al. '973 Patent was to improve the sound absorption properties of certain porous insulation materials having low air flow resistance (column 1, lines 11-15) in various products such as acoustical wall panels, ceiling panels and office partitions, automotive headliners and hoodliners, liners for heating, ventilating and air conditioning systems, appliance insulation, and similar applications. On the other hand, the problem faced by the inventors in the Kraft et al. '787 patent involved noise and vibration suppression in aircraft turbine engines. Those of ordinary skill in the

art seeking to improve sound absorption properties in products of the type mentioned in Haines et al. '973 are hardly likely to look for solutions in the area of noise and vibration suppression for aircraft turbine engines. Thus, Kraft et al. '787 is in a non-analogous art area.

The Office Action characterizes the disclosure of Haines et al. '973 as teaching a laminate having a facing material having a second air flow resistance of "a relatively low value;" see line 7 in paragraph (3) on page 2. The reference actually discloses that it is the porous substrate which has a low air flow resistance, the facing material is described as having a high air flow resistance (column 1, lines 11-15; column 4, lines 1-3 and 9-10). As this reference points out, in some cases the addition of a facing sheet actually lowers the air flow resistance of the laminate (column 4, lines 48-56) and one must perform complicated calculations to determine whether a facing sheet is suitable. As noted on page 3 of the present specification, the technique disclosed in Haines et al. '973 is complicated in practice.

According to the Office Action, the motivation to replace the core in the laminates of Haines et al. '973 with the core in the laminates of Kraft et al. '787 would be to attain a total air flow resistance within the presently claimed range of 900 to 1300 MKS Rayls. Actually, the motivation to attain a total air flow resistance of 900-1300 MKS Rayls comes from Applicant's disclosure and not the cited art.

To establish a *prima facie* case of obviousness, there must be a reasonable expectation of success. Applicants submit that there would be no reasonable expectation that replacing the substrate in the laminates of Haines et al. '973 with the core disclosed in Kraft et al. '787 would successfully accomplish the objectives

desired in the Haines et al. Patent, i.e. increase the air flow resistance of substrates having low air flow resistance to achieve optimum acoustic performance. One of ordinary skill in the art could not reasonably predict that the core of Kraft et al. '787 designed for use in turbine engines and having a wide range of air flow resistance could be successfully employed in practicing the invention of Haines et al. '973 which involves selecting a porous substrate having low air flow resistance, determining the optimized value of the acoustic resistance ratio of the substrate, and selecting a suitable facing as defined in claims 1 and 8 of the Patent.

For at least the aforementioned reasons, the §103(a) rejection based on Haines et al. in view of Kraft et al. should be reconsidered and withdrawn. Such action is earnestly requested.

From the foregoing, further and favorable action in the form of a Notice of Allowance is believed to be next in order and such action is earnestly solicited. If there are any questions concerning this paper or the application in general, the Examiner is invited to telephone the undersigned.

Respectfully submitted,

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